

Translation

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 104704 a/se	FOR FURTHER ACTION See Form PCT/IPEA/416	
International application No. PCT/EP2004/008499	International filing date (day/month/year) 29.07.2004	Priority date (day/month/year) 29.07.2003
International Patent Classification (IPC) or national classification and IPC G06F3/14		
Applicant SORIN GROUP DEUTSCHLAND GMBH		

1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 9 sheets, including this cover sheet.

3. This report is also accompanied by ANNEXES, comprising:

a. ☒ (sent to the applicant and to the International Bureau) a total of 3 sheets, as follows:

☒ sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).

☐ sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.

b. ☐ (sent to the International Bureau only) a total of _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).

4. This report contains indications relating to the following items:

<input checked="" type="checkbox"/>	Box No. I	Basis of the report
<input type="checkbox"/>	Box No. II	Priority
<input type="checkbox"/>	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
<input type="checkbox"/>	Box No. IV	Lack of unity of invention
<input checked="" type="checkbox"/>	Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
<input type="checkbox"/>	Box No. VI	Certain documents cited
<input type="checkbox"/>	Box No. VII	Certain defects in the international application
<input type="checkbox"/>	Box No. VIII	Certain observations on the international application

Date of submission of the demand	Date of completion of this report
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

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Box No. I	Basis of the report
1.	<p>With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.</p> <p><input type="checkbox"/> This report is based on translations from the original language into the following language _____ which is the language of a translation furnished for the purposes of:</p> <p><input type="checkbox"/> international search (Rule 12.3 and 23.1(b))</p> <p><input type="checkbox"/> publication of the international application (Rule 12.4)</p> <p><input type="checkbox"/> international preliminary examination (Rule 55.2 and/or 55.3)</p> <p>2. With regard to the elements of the international application, this report is based on <i>(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)</i>:</p> <p><input type="checkbox"/> the international application as originally filed/furnished</p> <p><input checked="" type="checkbox"/> the description:</p> <p>pages <u>2, 4-18</u> as originally filed/furnished</p> <p>pages* <u>1, 3, 3a</u> received by this Authority on <u>24.03.2005 by fax</u></p> <p>pages* _____ received by this Authority on _____</p> <p><input checked="" type="checkbox"/> the claims:</p> <p>nos. <u>1-15</u> as originally filed/furnished</p> <p>nos.* _____ as amended (together with any statement) under Article 19</p> <p>nos.* _____ received by this Authority on _____</p> <p>nos.* _____ received by this Authority on _____</p> <p><input checked="" type="checkbox"/> the drawings:</p> <p>sheets <u>1/6-6/6</u> as originally filed/furnished</p> <p>sheets* _____ received by this Authority on _____</p> <p>sheets* _____ received by this Authority on _____</p> <p><input type="checkbox"/> a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.</p> <p>3. <input type="checkbox"/> The amendments have resulted in the cancellation of:</p> <p><input type="checkbox"/> the description, pages _____</p> <p><input type="checkbox"/> the claims, nos. _____</p> <p><input type="checkbox"/> the drawings, sheets/figs _____</p> <p><input type="checkbox"/> the sequence listing (<i>specify</i>): _____</p> <p><input type="checkbox"/> any table(s) related to sequence listing (<i>specify</i>): _____</p> <p>4. <input type="checkbox"/> This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).</p> <p><input type="checkbox"/> the description, pages _____</p> <p><input type="checkbox"/> the claims, nos. _____</p> <p><input type="checkbox"/> the drawings, sheets/figs _____</p> <p><input type="checkbox"/> the sequence listing (<i>specify</i>): _____</p> <p><input type="checkbox"/> any table(s) related to sequence listing (<i>specify</i>): _____</p>

* If item 4 applies, some or all of those sheets may be marked "superseded."

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Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement		
1. Statement			
Novelty (N)	Claims	1-15	YES
	Claims		NO
Inventive step (IS)	Claims		YES
	Claims	1-15	NO
Industrial applicability (IA)	Claims	1-15	YES
	Claims		NO
2. Citations and explanations (Rule 70.7)			
1. This report makes reference to the following document:			
D1: US 6 496 359 B2 (SUN MICROSYSTEMS, INC) 17 December 2002 (2002-12-17)			
2. INDEPENDENT CLAIM 1			
2.1 The present application does not meet the requirements of PCT Article 33(1) because the subject matter of claim 1 does not involve an inventive step (PCT Article 33(3)). Document D1 discloses (the references between parentheses refer to that document):			
display and control device (*1; ... suitable ... *2) for technical medical equipment comprising units that can be connected to an electrical bus, more particularly for life support systems such as heart-lung machines or respirators, comprising			
- at least one display/control unit (10 in figures 1d and 4a) comprising			

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	<ul style="list-style-type: none">* a display device (figure 4a: "Display surface pixel array") with a number of triggerable pixels,* a display control device (figure 4a: 62 "Processor & memory"), which triggers the pixels of the display device based on data supplied,* an input device (column 3, lines 20 and 21),* an input evaluation device (62), which evaluates the inputs made using the input device, and* a coupling device (figure 4a: 75), with which the display control device is coupled to the input evaluation device and with which the display/control unit can be coupled to an electrical bus (coupling via 76 to 101, figure 6b), and- a base unit (16, 18) comprising* an electrical bus (101; *3) for communication between the units connected to the bus (column 7, lines 19-42) and* connecting devices (76), with which the display/control units can be connected to the electrical bus (101) with the aid of the coupling devices (75), and* a configuration unit (figure 1d, 6a: 30), which is connected to the electrical bus (figure 1d, 6a: 25; connected to 101, figure 6b). <p>*1: the term "control device" does not specify the complexity of the device in question and states</p>

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only that a suitable device is used for control purposes. This is clearly the case in D1 (e.g. control of the application "daily meeting schedule"; see D1, column 4, penultimate section). If the term is interpreted to mean "device for controlling other units", it is assumed that this is the case in D1. The aforementioned section refers to a "TV presentation" and to a "telephone directory service". This requires components which are clearly not present in the modules from D1 (television receiver, data memory). In that sense, the modules from D1 must also control other units.

*2: the wording "for technical medical equipment..." means suitable for technical medical equipment...". The modules from D1 are clearly suitable for controlling all possible equipment, including technical medical equipment.

*3: D1 refers to element 101 in figure 6b as "network". A network may have a bus structure or a point-to-point structure. In D1, figure 6b appears to cover a bus structure.

2.2 The subject matter of claim 1 thus differs from the explicit disclosure in D1 in that:

a1) following connection of a display/control unit to the electrical bus, the configuration unit sends configuration data to the control/display unit via the electrical bus,

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said data defining the *display contents* and *input areas* of the display/control unit;

b1) the input device is a transparent input device which is arranged on the surface of the display device facing an observer.

2.3 The present invention can therefore be considered to address the following problems:

a2) configuring the display/control unit for a special task;

b2) choosing an alternative touch-sensitive input device.

There is no link between the above problems and they can therefore be considered independently of one another in respect of inventive step.

2.4 Solution a1) cannot be considered inventive for the following reasons (PCT Article 33(3)):

the display/control units in D1 are independent units which may undertake different tasks independently of each other (D1, column 8, lines 3-11).

To that end, the units must be initialised or programmed. Such an initialisation, which must take place following connection of the unit to the electrical bus, must also include definitions, parameters or programme steps (corresponds to

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configuration data) which define the input and output areas (insofar as inputs and/or outputs are provided - which is clearly the case in D1).

In D1 the most probable source of the initialisation is the "server" 30, which corresponds to the configuration unit in claim 1.

It can therefore be assumed that a person skilled in the art constructing a display and control device using the teaching from D1 would implement the features from a1) without thereby being inventive.

- 2.5 Solution b1) cannot be considered inventive for the following reasons (PCT Article 33(3)):

A person skilled in the art would according to the circumstances choose a touch-sensitive input device of the aforementioned type from amongst a number of obvious, well-known possibilities without thereby being inventive.

- 2.6 Since problems a2) and b2) have no technical link, the subject matter of claim 1 is not inventive in the light of D1 (PCT Article 33(3)).

3. INDEPENDENT CLAIM 15

- 3.1 The application does not meet the requirements of PCT Article 6 because claim 15 is unclear.

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It is not clear what features the display/control unit requires in order to be *configured "for use* in a display and control device according to one of claims 1 to 14".

- 3.2 Moreover, irrespective of the above-mentioned lack of clarity, the subject matter of claim 15 does not involve an inventive step (PCT Article 33(3)) and therefore the requirements of PCT Article 33(1) are not satisfied.

The non-inventive display and control device as per claim 1 (see point 2.) also contains display/control units (10 in D1) which are suitable for using in the display and control device.

4. Dependent claims

- 4.1 In the dependent claims the following terms in particular are unclear (PCT Article 6):

a) claim 3, "sequence": could refer to a temporal or locational sequence. Also appears not to be clearly defined in the description (page 18, line 5: reference to a "position").

b) claim 12, "bus complication device": it is not clear what features are intended to be described by this term.

- 4.2 Insofar as they can be understood (see above),

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dependent claims 2-14 do not contain any features which, in combination with the features of any claim to which they refer, meet the PCT requirements for novelty and inventive step; see documents and relevant passages thereof cited in the search report.